**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HACHETTE BOOK GROUP, INC., HARPERCOLLINS PUBLISHERS LLC, JOHN WILEY & SONS, INC., and PENGUIN RANDOM HOUSE LLC Plaintiffs, v. INTERNET ARCHIVE and DOES 1 through 5, inclusive Defendants.	Case No. 1:20-CV-04160-JGK

DECLARATION OF LAURA GIBBS

CONFIDENTIAL

I, Laura Gibbs, declare as follows:

1.   I am a retired university instructor living in Austin, Texas.

2.   Before my retirement in May 2021, I taught Humanities courses at the University of Oklahoma for over 20 years in the College of Arts and Sciences; for most of those years I taught fully online. I have a bachelor's degree in Classical and Slavic Languages from the University of California, Berkeley, and a Master of Philosophy in European Literature from Oxford University. I also have a Ph.D. in Comparative Literature from the University of California, Berkeley.

3.   I first learned about the Internet Archive in the Fall of 1998. At that time, as a graduate student working on my dissertation, I was excited to find literary texts and reference works online. Later, in the Fall of 1999 when I began teaching at the University of Oklahoma, I sought out public domain books to share with my students, reducing the need for them to have to buy course materials. Then, when I taught my first fully online course in 2002, I relied completely on online public domain books, using online book repositories like the Internet Archive, Project Gutenberg, and Sacred Texts Archive. Over the next 20 years, I relied heavily on the Internet Archive in my teaching for public domain course reading materials, and also as a research source for my students. I also conducted extensive research at the Internet Archive myself, using its public domain Latin books online for my research into Latin fables and proverbs.

4.   At the start of the COVID-19 pandemic in the Spring of 2020, the University of Oklahoma abruptly shut down its campus, including its main campus library. Students no longer had access to the library books I had placed on reserve to supplement our online reading materials. When my students could no longer access the physical books they would normally be able to borrow from the campus library, I looked to the educators and librarians I follow at

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Twitter to learn about alternative resources; that was when I first heard about the Internet

Archive's lending library program. Previously, I had used the Internet Archive only for public

domain materials; I had not been aware of the lending library which, as I learned, makes books

available for borrowing via controlled digital lending. When I saw that I could find non-public-

domain books at the Internet Archive that my students could borrow, I realized I had a solution

to the pandemic crisis: students could check out books for our courses at the Internet Archive in

basically the same way they had checked out the books we had on reserve in the campus library.

For instance, in the Epics of Ancient India class I was teaching in the Spring of 2020, students

could access important resources for our course like books by Devdutt Pattanaik, including his

book *Jaya* (available at https://archive.org/details/jayaillustratedr0000patt), and by Chitra

Divakaruni, including her book *Palace of Illusions* (available at

https://archive.org/details/palaceofillusion0000diva). I discovered, in fact, by using the Internet

Archive, that the Internet Archive had additional books by these important Indian authors that we

did not even have in our campus library, and also referred my students to some of those,

including Divakaruni's books *Neela, Victory Song* (available at

https://archive.org/details/neelavictorysong00diva) and *The Conch-Bearer* (available at

https://archive.org/details/conchbearernovel00diva).

     5.   In the Fall of 2020, the University of Oklahoma reopened its campus, including

the library. As a result, I returned to using the books that we had on reserve in the library, as

before. But now I also knew that I could find books at the Internet Archive available via

controlled digital lending that were not available in our campus library. That meant I was able

to, and did, refer my students to the Internet Archive for books that were relevant to their reading

interests and research projects but which were not available to them locally. For instance, I

referred a student working on a class project to *El Adivino* by Rosana Faria (available at

https://archive.org/details/eladivinocuentop0000unse), which was not available through the

campus library.

6.   In addition to teaching, I am also a published author. I have published multiple

books with traditional publishers like Oxford University Press; those books are still in print and

they are each available for purchase on Amazon and at other booksellers. In more recent years, I

have self-published my own books using Creative Commons licenses; there are now over a

dozen of my self-published books available on the Internet Archive

(https://archive.org/details/@lauragibbs?query=%22laura+gibbs%22). For instance, in March

2022, I published a book titled *A Reader's Guide to African Folktales at the Internet Archive*

based on African folklore books available at the Internet Archive: I have made my book

available on the Internet Archive (https://archive.org/details/guideafricafolktales). By my count,

approximately 80% of the African folklore books I reference in my book are available for

borrowing via controlled digital lending.

7.   When I retired from teaching in May 2021, I started a new blog, Laura's

Bookshelf (https://lkgbooks.blogspot.com/), where I blog about books at the Internet Archive,

both public domain books and also books available for borrowing via controlled digital lending.

My focus has been on African Diaspora folktales, and I've blogged about over 400 Internet

Archive books so far (https://lkgbooks.blogspot.com/p/newest-books.html), approximately 75%

of which by my count are available for borrowing via controlled digital lending.

8.   Controlled digital lending significantly improved my ability to teach about

traditional world cultures, especially the cultures of India and Africa. In my retirement, I am

trying to raise awareness of these online resources so that other educators and the general reading

public will know about the resources available to them online. In my research specifically, public domain materials about Africa and about India come from a colonial time and thus reflect very limited perspectives on Indian and African cultures. Without more recent publications, especially publications by African and by Indian authors, the public domain materials alone cannot convey a full understanding of these vital and vibrant world cultures. This is why I blog about controlled digital lending books available at the Internet Archive: I discovered this resource only late in my teaching career, and now I hope to raise awareness of this online opportunity so that other teachers can learn about controlled digital lending and then recommend the best books online in their own disciplines to their students.

9.   Outside of my work, I am an avid reader and maintain a large home library. I buy new books every week, both from used booksellers and also from the Amazon Kindle store, and every month I acquire new audiobooks from Audible. I have never chosen not to purchase a book because it was available on the Internet Archive. Just the opposite in fact: I often buy books that I have learned about by discovering them at the Internet Archive. I have no intention to stop purchasing books because of their availability on the Internet Archive. Instead, the Internet Archive has significantly increased my book reading and book purchasing.

10.   I consider ebooks to be very different from the scans of physical books the Internet Archive makes available on its website. To me, an ebook is typically a Kindle book that I can read on my phone whose text I can highlight using the Kindle software. The ability to make the text font extra-large on the Kindle is also a big help to me. That is not possible with books I borrow from the Internet Archive. I cannot read the Internet Archive's page scans on my phone, for example, and the reading experience is very clunky by comparison to a true ebook that consists of digitized text. The scans of a physical book, however, preserve certain historical
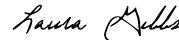
elements that a Kindle book does not. For example, I sometimes find books at the Internet

Archive that contain an inscription from the author or marginalia that a reader added to the

physical copy before it was acquired by the Internet Archive.

11.   I am an ardent supporter of the Internet Archive's efforts in book digitization and

lending. From my own experiences over those two decades, I know the Internet Archive's

services provide an immensely important platform that helps to ensure global access to

information in the digital age.

12.   As a teacher, an author, and an avid reader, I have always respected the rights of

authors and publishers. In my view, the Internet Archive's lending library is consistent with

those rights.

I declare under the penalty of perjury under the laws of the United States of America that

the foregoing is true and correct. Executed on ____5/10/2022____ in Austin, Texas.

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LAURA GIBBS

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022 the within document was filed with the Clerk of the

Court using CM/ECF which will send notification of such filing to the attorneys of record in this

case.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ

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